IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 24432 of 2007(H)

PETITIONER:

PRABHAKARAN NAIR,
EZHAVARETHU VEEDU, CHERUVALLOOR, CHERIYANAD.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

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1. THE ADDITIONAL DISTRICT MAGISTRATE,
ALAPPUZHA.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, K.S.E.BOARD,KOLLAKADAVU.

3. SUBHADRA AMMA,
THEKKEPADEETTATHIL, CHERUVALLOOR, CHERIYANAD.

4. VISALMONY,
THEKKEPADEETTATHIL, CHERUVALLOOR, CHERIYANAD.

5. LALITHAMMA,
OTTATHENGUVILAYIL, CHERUVALLOOR, CHERIYANAD.

BY ADV. SHRI.P.P.THAJUDEEN, SC, KSEB
ADV. SMT.M.K.PUSHPALATHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 24432 of 2007

Dated, this the 21st day of August, 2007

J U D G M E N T

Heard learned counsel for the petitioner and learned Standing Counsel for KSEB. I do not think there is any necessity to issue notice to the beneficiaries because petitioner's objection against drawal of electric line is prima facie unacceptable because the line is passing over a pathway. As far as possible, electric line should be drawn over road side and over pathways, so that private property will not be affected. Petitioner's case is that there is dispute with regard to the pathway and according to him pathway belongs to him. I do not think, the civil dispute in respect of pathway or petitioner's claim over the land where pathway exists will affect drawal of electric line or retention of it over the pathway. Petitioner is free to pursue his claim over the pathway and proceed with the civil dispute to establish his case. I make it clear that the drawal and retention of electric line over the pathway will not in any way affect petitioner's right over the land or pathway. Since the line approved by the ADM is over the pathway and balance line is passing only through the properties of the beneficiaries, there is no

scope for interfering with the ADM's order approving the line proposed by KSEB. This writ petition is, accordingly, closed with the above observation.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg